



Order Filed on February 14, 2019
by Clerk U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

McCABE, WEISBERG & CONWAY, LLC
By: Alexandra T. Garcia, Esq. (Atty.
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Attorneys for Movant: Stearns Lending, LLC

IN re:

Amaris La Llave Padilla
Angel L Rodriguez
Debtors

Case No.: 17-27768-JKS
Chapter: 13
Judge: John K. Sherwood

Recommended Local Form



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: February 14, 2019

A handwritten signature of John K. Sherwood in black ink, written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: Stearns Lending, LLC
Applicant's Counsel: Alexandra T. Garcia, Esq.
Property Involved ("Collateral") 378 Dewitt Avenue, Belleville, New Jersey 07109

Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 9 months, from May 1, 2018 to January 1, 2019

☒ The Debtor is overdue for 9 payments at \$2,510.92 per month.

Total Arrearages Due: \$22,598.28

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$2,500.00. Payment needs to be received on or before February 15, 2019.

☒ Beginning on February 1, 2019, regular monthly mortgage payment shall continue to be made in the amount of \$2,510.92.

☒ The amount of \$20,098.28 shall be capitalized in the debtor's Chapter 13 plan. The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

☒ Debtor shall file an Amended Chapter 13 Plan capitalizing the arrears of \$20,098.28 within 14 days of the date of entry of this order or the case shall be dismissed.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: LoanCare Servicing
PO Box 8068
Virginia Beach, Virginia 23450
☒ Regular monthly payment: Same as above
☐ Monthly cure payment: Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$350.00 and costs of 181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.